



Kansas Association of the Deaf, Inc.

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To: House Committee on Commerce, Labor and Economic Development

From: Chris Haulmark
Board Member and Chair of Social Justice Committee

Date: February 7, 2023

Subject: HB 2253; Establishing a state employment preference for persons with disabilities.

The Kansas Association of the Deaf (KAD) submits a request regarding HB 2253 to increase the benefits of passing it.

Since 1909, the KAD has been working to protect, preserve, and promote the civil, human, and linguistic rights of the Deaf*, Hard of Hearing, Late-Deafened, and DeafBlind individuals in Kansas. The KAD represents approximately 242,000 Kansans who are Deaf and Hard of Hearing individuals-- at least fifteen percent of the entire Kansas population.

The Americans with Disabilities Act has been in effect for 33 years, but many Deaf people still face discrimination because they are overlooked when hiring staff discover their disabilities. HB 2253 is a good step for Deaf members interested in working for Kansas. The KAD appreciates the efforts of the Kansas Legislature to make this easier for these members.

We must work together to ensure that HB 2253 covers all interested Deaf applicants. If a Deaf applicant wishes to qualify for the hiring preference, a disability verification document may be required; however, if a Deaf applicant does not have such documentation or does not meet any of those criteria in the current version of the bill, the bill does not specify how such documentation can be obtained.

The KAD requests an amendment to subsection (c) with a proposed addition to be inserted after line #22 on page 2 as the (5) option, "or other documents from appropriate state agencies verifying certain individuals with disabilities". In light of this amendment, Deaf applicants with a high school diploma from a state school for the Deaf or a state agency specializing in serving that population will be able to provide disability verification letters as necessary.

The KAD is appreciative of the steps that are being taken to pass HB 2253 into law. By passing this law, Kansas' Deaf and Hard of Hearing population will enjoy a better quality of life and be able to contribute more to the economy of the state.

Founded in 1909 * Incorporated in 1910 * Affiliated with NAD in 1911

*Deaf includes all individuals who share similar experiences and realities throughout their life journey.

1 requirements of this act and a veteran meeting the requirements of the
2 veteran's preference established by K.S.A. 73-201, and amendments
3 thereto, apply for the same position, the person having the highest
4 qualifications meeting the performance standards of the position shall
5 receive the primary preference.

6 (b) State government job opening notices and application forms shall
7 state that the position is subject to the disability preference and explain
8 how applicants with disabilities may take advantage of the preference,
9 including information regarding the documentation of a disability that
10 shall be provided pursuant to subsection (c) and the process that will be
11 used for selection.

12 (c) An applicant who is a person with a disability shall provide
13 documentation of the person's disability to the state government hiring
14 authority when applying for the disability preference by providing a copy
15 of one of the following documents:

16 (1) Supplemental security income or social security disability
17 insurance determination letter;

18 (2) letter from a managed care organization or a qualified medical
19 professional attesting to the disability;

20 (3) home and community-based services waiver approval letter; ~~or~~

21 (4) vocational rehabilitation letter from a vocational rehabilitation
22 counselor ~~;~~ **;(5) or other documents from appropriate state
agencies verifying certain individuals with disabilities.**

23 (d) The state government hiring authority shall offer an interview to a
24 person who has applied for an open position who is qualified, with or
25 without reasonable accommodation, to meet the performance standards of
26 the position and who has presented proof of disability as provided in
27 subsection (c).

28 (e) In any reduction in personnel by the state government employer,
29 employees who are persons with disabilities shall be retained in preference
30 to all other employees in the same job classification or job title with equal
31 qualifications, seniority, status and performance reviews.

32 (f) A person with a disability has the right to not disclose that person's
33 disability at the time of hire but may not assert a right to a retention
34 preference pursuant to subsection (e) at a later date unless the disability is
35 disclosed prior to the announcement of a layoff by submission of
36 documentation as provided in subsection (c). Disclosure may be made to
37 the state government human resources office where the employee is
38 employed and shall remain confidential unless disclosure is required for
39 the provision of a reasonable accommodation for the person with a
40 disability or for emergency preparedness planning.

41 (g) The provisions of sections 1 through 3, and amendments thereto,
42 shall not apply to positions that are filled by elected officers or vacancies
43 in such elected offices, personal secretaries of such officers, members of